REMARKS

This amendment responds to the Office Action dated April 8, 2008, in which the Examiner required a new title, objected to the drawings, rejected claims 1-2 and 5-6 under 35 U.S.C. § 103 and objected to claims 3-4 as being dependent upon a rejected-base claim would be allowable if rewritten in independent form.

Attached to this amendment is Information Disclosure Statement and fee in order to provide the Examiner with a copy of a reference cited on page 2 of the specification. Applicant respectfully requests the Examiner considers the reference.

Applicant respectfully points out that although the Examiner acknowledged Applicant's claim for foreign priority on PTOL-326, Applicant respectfully points out that box 12a3 should be indicated rather than box 12a1.

As indicated above, a new title has been provided which clearly indicates the invention to which the claims are directed. Therefore, Applicant respectfully requests the Examiner approves the new title.

As indicated above, minor informalities in the specification on pages 4-5 and 7 have been corrected. Applicant respectfully requests the Examiner approves the corrections.

As indicated above, page 9 has been amended in order to indicate reference numeral 16 in the specification. Therefore, Applicant respectfully requests the Examiner withdraws the objection to the drawings.

As indicated above, claims 1 and 6 have been amended in order to make explicit what is implicit in the claims. The amendment is unrelated to a statutory requirement for patentability.

Claim 1 claims a reproducing apparatus and claim 6 claims a reproducing method. The apparatus and method simultaneously obtain first and second reproduction signals by a plurality of reading means from a disc-shaped recording medium on which data of a high-transfer rate and data of a low-transfer rate have been recorded. The apparatus and method include a signal layout converting means, sync adjustment information forming means, waveform equalizing means,

switching means and PLL. The signal layout converting means time division multiplexes first and second reproduction signals and arranges them. The sync adjustment information forming means forms sync adjustment information, which is optimum to each reproduction signal from the first and second reproduction signals, based on transfer rate of the reproduction signal. The waveform equalizing means executes a waveform equalizing process to an output of the signal layout converting means. The switching means switches characteristics of the waveform equalizing means in accordance with the sync adjustment information. The PLL generates a clock signal according to the sync adjustment information.

By (a) forming sync adjustment information based on a transfer rate of the reproduction signal and (b) generating a clock signal according to the sync adjustment information (transfer rate) as claimed in claims 1 and 6, claimed invention provides a reproducing apparatus and method in which a clock system can be constructed with one device so that the circuit system is simplified and reduced in scale. The prior art does not show, teach or suggest sync adjustment information based upon the transfer rate and generating a clock signal based upon the transfer rate as claimed in claims 1 and 6.

Claims 1-2 and 5-6 were rejected under 35 U.S.C. § 103 as being unpatentable over *Murai et al.* (U.S. Patent No. 4,873,679) in view *Furumiya et al.* (U.S. Patent No. 5,488,593).

Murai et al. appears to disclose that during reproduction, a control microcomputer 60 sets up in advance the synthesized oscillators within the PLL circuits 52 and 53 so that they oscillate comparing source oscillation frequencies corresponding to the target track addresses, and reads out the recorded information which has been quanitized in binary by the binary threshold circuits 46 and 47 using the source oscillations frequencies and the reproduction clock produced by the PLL circuits, and after the correcting process by the error-correcting circuits 54 and 55, sends the information to the buffer memories 56 and 57. The data from the buffer memories are merged by the distributing-merging circuit 61 and sent to the host computer. (Col. 9, ll. 51-64).

Thus, *Murai et al.* merely discloses that the PLL circuits 52 and 53 oscillate according to the target track addresses (col. 9, ll. 53-55). However, as claimed in claims 1 and 6, the clock signal is generated in accordance with the sync adjustment information which is based upon the transfer rate of the reproduction signal. However, *Murai et al.* merely discloses that the PLL circuits oscillate based upon the target track address and not based upon the transfer rate.

Furumiya et al. appears to disclose an index signal detection circuit 22 which detects an index signal recorded on the disc 3 at the start of each sector (col. 3, ll. 48-52). A read clock signal generation circuit 23 generates the read clock signals in response to the address signal and the index signal (col. 4, ll. 27-30).

Thus, *Furumiya et al.* merely discloses generating a clock signal in response to an address signal and an index signal at the start of each sector of the disc. Nothing in *Furumiya et al.* shows, teaches or suggests generating a clock signal based on the transfer rate of the reproduction signal as claimed in claims 1 and 6.

Since neither *Murai et al.* and *Furumiya et al.* show, teach or suggest generating a clock signal in accordance with a sync adjustment information based on the transfer rate of the reproduction signal as claimed in claims 1 and 6, Applicant respectfully requests the Examiner withdraws the rejection to claims 1 and 6 under 35 U.S.C. § 103.

Claims 2 and 5 depend from claim 1 and recite additional features. Applicant respectfully submits that claims 2 and 5 would not have been obvious within the meaning 35 U.S.C. § 103 over *Murai et al.* and *Furumiya et al.* at least for the reasons as set forth above. Therefore, Applicant respectfully requests the Examiner withdraws the reject to claims 2 and 5 under 35 U.S.C. § 103.

Since objected to claims 3-4 depend from an allowable claim, Applicant respectfully request the Examiner withdraws the objection there, too.

The prior art of record, which is not relied upon, is acknowledged. The references taken singularly or in combination do not anticipate or make obvious the claimed invention.

Thus, it now appears that the application is condition for reconsideration and allowance. Reconsideration and allowance at an early date are respectfully requested.

CONCLUSION

If for any reason the Examiner feels that the application is not now in condition for allowance, the Examiner is requested to contact, by telephone, the Applicant's undersigned attorney at the indicated telephone number to arrange for an interview to expedite the disposition of this case.

In the event that this paper is not timely filed within the currently set shortened statutory period, Applicant respectfully petitions for an appropriate extension of time. The fees for such extension of time may be charged to Deposit Account No. 50-0320.

In the event that any additional fees are due with this paper, please charge our Deposit Account No. 05-0320.

Respectfully submitted,

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